

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

Menges *et al.*

Appl. No.: 10/643,959

Filed: August 20, 2003

For: **Cook and Chill Casing**

Confirmation No.: 4979

Art Unit: 1772

Examiner: Rayford, Sandra M.

Atty. Docket: 2102.0020001

**Information Disclosure Statement**

***Mail Stop Amendment***

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☒ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed concurrently with the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- ☐ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
  - ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign

patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐ c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).

☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than

three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3).
- ☒ 7. Copies of documents AL1, AR1, AS1, AT1, AR2, AS2, AT2, and AR3 are enclosed for the Examiner. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of the U.S. patents and patent application publications cited on the attached Form PTO-1449 are not enclosed.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. \_\_\_\_\_, filed

\_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C.

§ 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

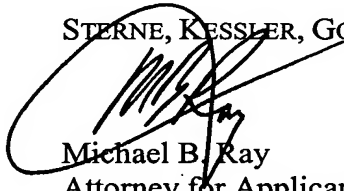
- ☐ 9. It is expected that the examiner will review the prosecution and cited art in the parent application no. \_\_\_\_\_ in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

  
Michael B. Ray  
Attorney for Applicants  
Registration No. 33,997

Date: 6/7/05

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FORM PTO-1449 <b>INFORMATION DISCLOSURE STATEMENT</b>				ATTY. DOCKET NO. 2102.0020001		APPLICATION NO. 10/643,959	
				INVENTORS Menges <i>et al.</i>			
				FILING DATE August 20, 2003		ART UNIT 1772	

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 JUN 23 2005  
 PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOC. REF.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	1,245,670	11/1917	Brown			
	AB1	1,600,741	09/1926	Sherman			
	AC1	2,542,413	02/1951	Ibsch, Jr.			
	AD1	2,669,914	02/1954	Swaine			
	AE1	2,802,617	08/1957	Roper			
	AF1	2,939,606	06/1960	Durbin			
	AG1	3,155,304	11/1964	Beerend			
	AH1	3,357,152	12/1967	Geigel			
	AI1	3,435,736	04/1969	Reiche			
	AJ1	3,534,666	10/1970	Maccherone			
	AK1	3,549,451	12/1970	Kugler			

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL	DOC. REF.	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	0 330 786 A2	09/1989	EP			N/A
	AM1						Yes
	AN1						No
	AO1						Yes
	AP1						No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)		
EXAMINER INITIAL	DOC. REF.	CITATION
	AR1	<i>M&amp;Q Plastic Products - New! PanSaver™ Why Scrub? When All You Need to Do Is Sanitize!</i> , at <a href="http://www.mqplasticproducts.com/nylonfilm/pansaver.htm">http://www.mqplasticproducts.com/nylonfilm/pansaver.htm</a> , 3 pages, Copyright 1997, 1998, 1999 by M&Q Plastic Products (printed January 5, 2000).
	AS1	<i>M&amp;Q Plastic Products - Our Products</i> , at <a href="http://www.mqplasticproducts.com/products.htm">http://www.mqplasticproducts.com/products.htm</a> , 4 pages, Copyright 1997, 1998, 1999 by M&Q Plastic Products (printed January 5, 2000).
	AT1	<i>M&amp;Q Plastic Products - M&amp;Q Plastics Products Make a Difference in the Food and Nutrition Industry</i> , at <a href="http://www.mqplasticproducts.com/nylonfilm/food.htm">http://www.mqplasticproducts.com/nylonfilm/food.htm</a> , 2 pages, Copyright 1997, 1998, 1999 by M&Q Plastic Products (printed January 5, 2000).

EXAMINER	DATE CONSIDERED
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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1772**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOC. REF.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2	3,599,538	08/1971	Piazza			
	AB2	3,601,280	08/1971	Mills			
	AC2	3,677,438	07/1972	Esposito			
	AD2	3,724,711	04/1973	George <i>et al.</i>			
	AE2	3,828,966	08/1974	Martin			
	AF2	3,934,748	01/1976	Racz			
	AG2	4,320,699	03/1982	Binks			
	AH2	4,434,197	02/1984	Petriello <i>et al.</i>			
	AI2	4,759,642	07/1988	Van Erden <i>et al.</i>			
	AJ2	4,794,052	12/1988	Morrison			
	AK2	4,828,134	05/1989	Ferlanti			

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOC. REF.	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2						Yes No
	AM2						Yes No
	AN2						Yes No
	AO2						Yes No
	AP2						Yes No

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)**

EXAMINER INITIAL	DOC. REF.	CITATION
	AR2	<i>UniChef® Premium Cook-Chill Casings</i> , Marketing Sheet, M&Q Packaging Corporation, November 21, 1997, 2 pages.
	AS2	<i>M&amp;Q Plastic Products</i> , Brochure, M&Q Packaging Corporation, 1995, 6 pages.
	AT2	<i>Why Scrub? When all you need to do is sanitize! PanSaver™</i> , Marketing Sheet, February 20, 1999, 2 pages.

EXAMINER

DATE CONSIDERED

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1772**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOC. REF.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA3	4,877,010	10/1989	Hait			
	AB3	4,932,556	06/1990	Hui <i>et al.</i>			
	AC3	5,613,427	03/1997	Wiley			
	AD3	5,944,251	08/1999	LaFleur			
	AE3	6,120,183	09/2000	Buchanan <i>et al.</i>			
	AF3						
	AG3						
	AH3						
	AI3						
	AJ3						
	AK3						

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOC. REF.	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL3						Yes No
	AM3						Yes No
	AN3						Yes No
	AO3						Yes No
	AP3						Yes No

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)**

EXAMINER INITIAL	DOC. REF.	CITATION
	AR3	Timothy L. Blucher, U.S. Patent Application Serial No. 09/491,639, filed January 27, 2000, entitled "Contour Fit Pan Liner For A Food Service Pan," 41 pages.
	AS3	
	AT3	

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